

Staff Summary Report



Hearing Officer Hearing Date: April 17, 2007

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by the **UNGER RESIDENCE (PL070126)** located at 1412 East North Shore Drive for one (1) use permit.

DOCUMENT NAME: 20070417dssd01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **UNGER RESIDENCE (PL070126)** (Luisa Unger, applicant/property owner) located at 1412 East North Shore Drive in the R1-6, Single Family Residential District for:

ZUP07039 Use Permit to allow for parking within the front yard setback.

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

REVIEWED BY: Steve Abrahamson, Senior Planner (480-350-8359)

FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

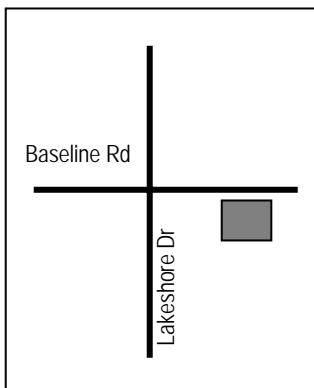
A handwritten signature in black ink, appearing to be 'LC' or similar, located to the right of the 'FINAL REVIEW BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-3

ADDITIONAL INFO: The Unger Residence is requesting a use permit to allow parking in the front yard setback of their existing single-family home property. The proposal includes the partial enclosure of the existing garage to allow for a one (1) garage parking space and additional living area. To date, one (1) letter of support has been for this request. Staff recommends approval of this use permit as proposed with the attached conditions of approval.



ATTACHMENTS:

1. List of Attachments
 2. Comments;
 3. Reason for Approval; Conditions of Approval; History & Facts/Description;
Zoning & Development Code Reference
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Letter of Intent
 - D. Site plan
 - E. Floor Plan
 - F. Staff Photograph(s)
 - G. Letter of Support from Lakes Architectural Committee

COMMENTS:

The Unger Residence is seeking approval of a use permit to allow the required parking to encroach into the front yard setback. The need for the use permit arises from the applicant's proposal to convert the existing garage to livable with leaving space for a one (1) parking bay inside the garage. The garage conversion will incorporate a new 132 s.f. media and office room and leave adequate space to park one vehicle inside the garage behind the single bay garage door.

The applicant has enclosed the garage with new structural walls that are needed to the support cement tiles on the roof. The cement tiles have created an adverse affect on the roof causing the ceiling in the garage to sag. The new structural walls will provide addition structure support for the roof to prevent any further damage.

Similar use permits have been approved in the neighborhood in the past. To date, one (1) letter of support has been received (from the Lakes Homeowners Association Architectural Committee) for this request. Staff recommends approval of this use permit as proposed with the attached conditions of approval.

Use Permit

The Zoning and Development Code requires a use permit for vehicle parking located in the required front yard setback in the R1-6 Single Family Residential District.

Evaluating the use permit, the proposal appears to pass the use permit tests listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - No potential nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposal would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the use permit, subject to conditions of approval.

**REASON(S) FOR
APPROVAL:**

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE
FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)
OF APPROVAL:**

1. The use permit is valid for the plans as submitted to and approved by the Hearing Officer.
2. All required permits and clearances shall be obtained from the Building Safety Division.
3. Provide a landscape plan of the front yard showing additional landscape material to screen cars on driveway. Plan to include at least one (1) 24" box tree; details to be approved by staff. Provide plan for use permit file.

HISTORY & FACTS:

June 21, 1971 Certificate of Occupancy issued for a single-family home

DESCRIPTION:

Owner – Luisa Unger
Applicant – Lisa Unger
Existing zoning – R1-6, Single Family Residential District
Lot Size – 7,322 s.f. / .17 acres
Residence Area – 3,440 s.f.

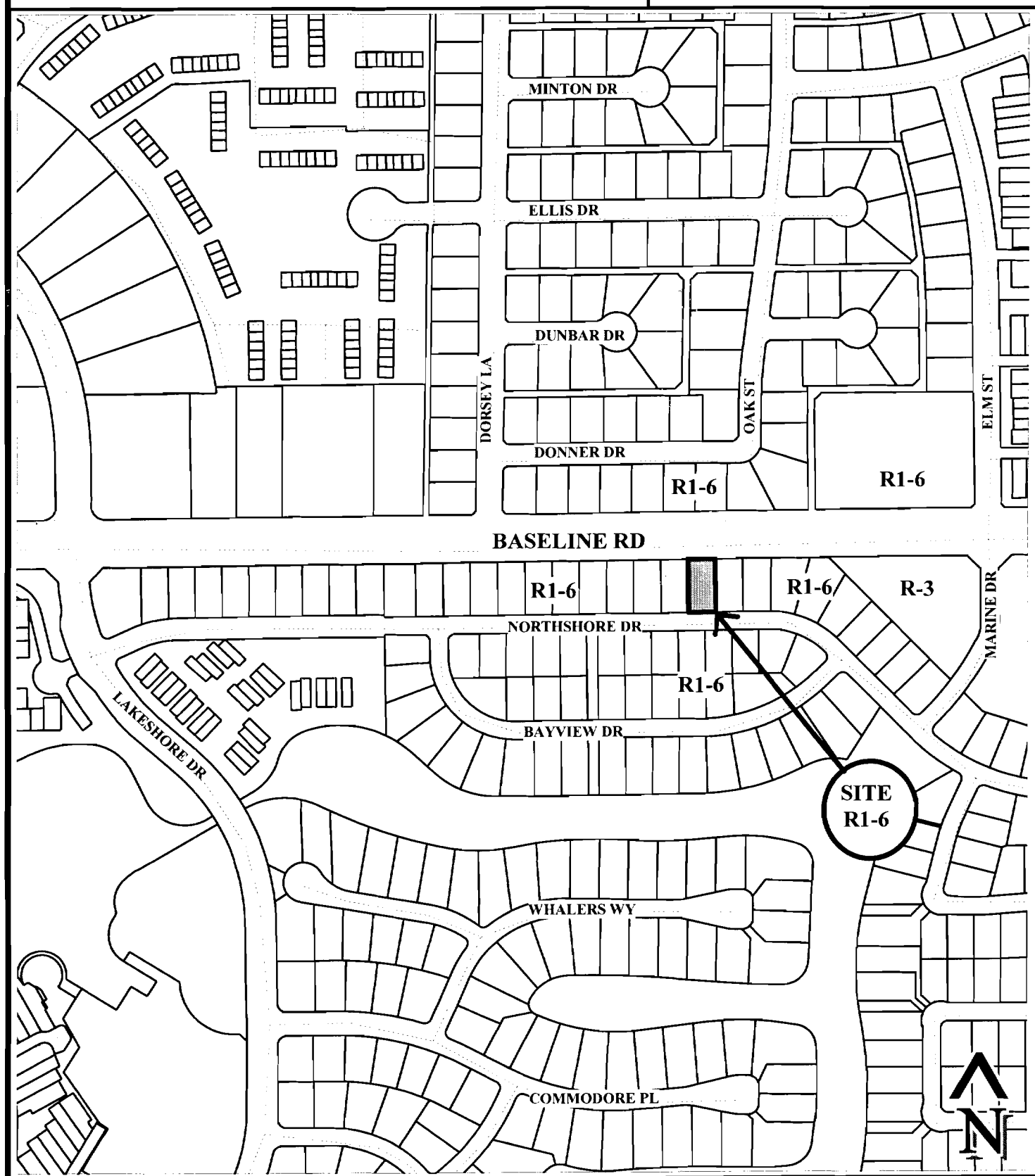
**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 6, Section 4-602 (C):
Required parking spaces may be located in the required front yard setback or street side yard setback subject to a use permit.

Part 6, Chapter 3, Section 6-308
Use Permit.

UNGER RESIDENCE

PL070126





UNGER RESIDENCE (PL070126)

To: City of Tempe development services

Subject: Letter of explanation

From: Luisa Unger

Dear Sir or Madam:

I am requesting a use permit to park in my driveway at property addressed:
1412 e. northshore dr. Tempe Az.

Reason: The roof on this property was changed to cement tile(s) at some point in the past and is caving in over the garage. I erected a support wall in the garage under it to handle the weight of the cement tiles and it prevents me from parking in two of the three parking spaces in the garage. During the process the idea came up to make a media room out of the walls and use the space that way. I cannot take this wall down without a tremendous expense including removing the cement tiles that have been on the roof for many years. I am applying for the use permit to allow the support wall and the walls that connect to it to be permitted and in compliance with the building code.

I have read and understand (a thru e) on page (9) of the "Supplemental Packet for Use permits." My request easily falls within the parameters set in (a thru e). I have also spoken with my neighbors that are on my street in the 300 ft surrounding perimeter area and not only are they indifferent they also park in their driveways on a daily basis. (pictures enclosed) I have also spoken to the HOA staff and they also do not have any objections whatsoever.

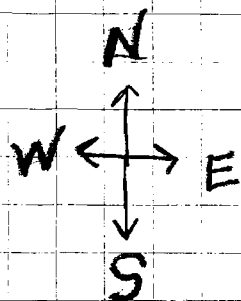
Also, there is not any other available space to park in that will not violate the 20 foot set back.

Please accept my application for the use permit to park in my driveway.



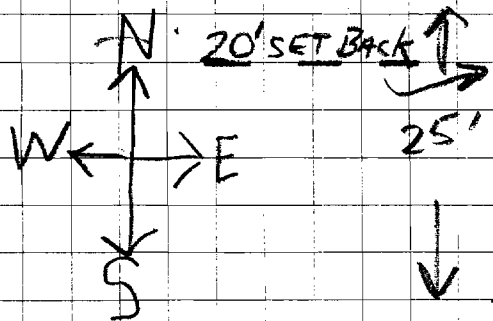
Thank you,

Luisa Unger



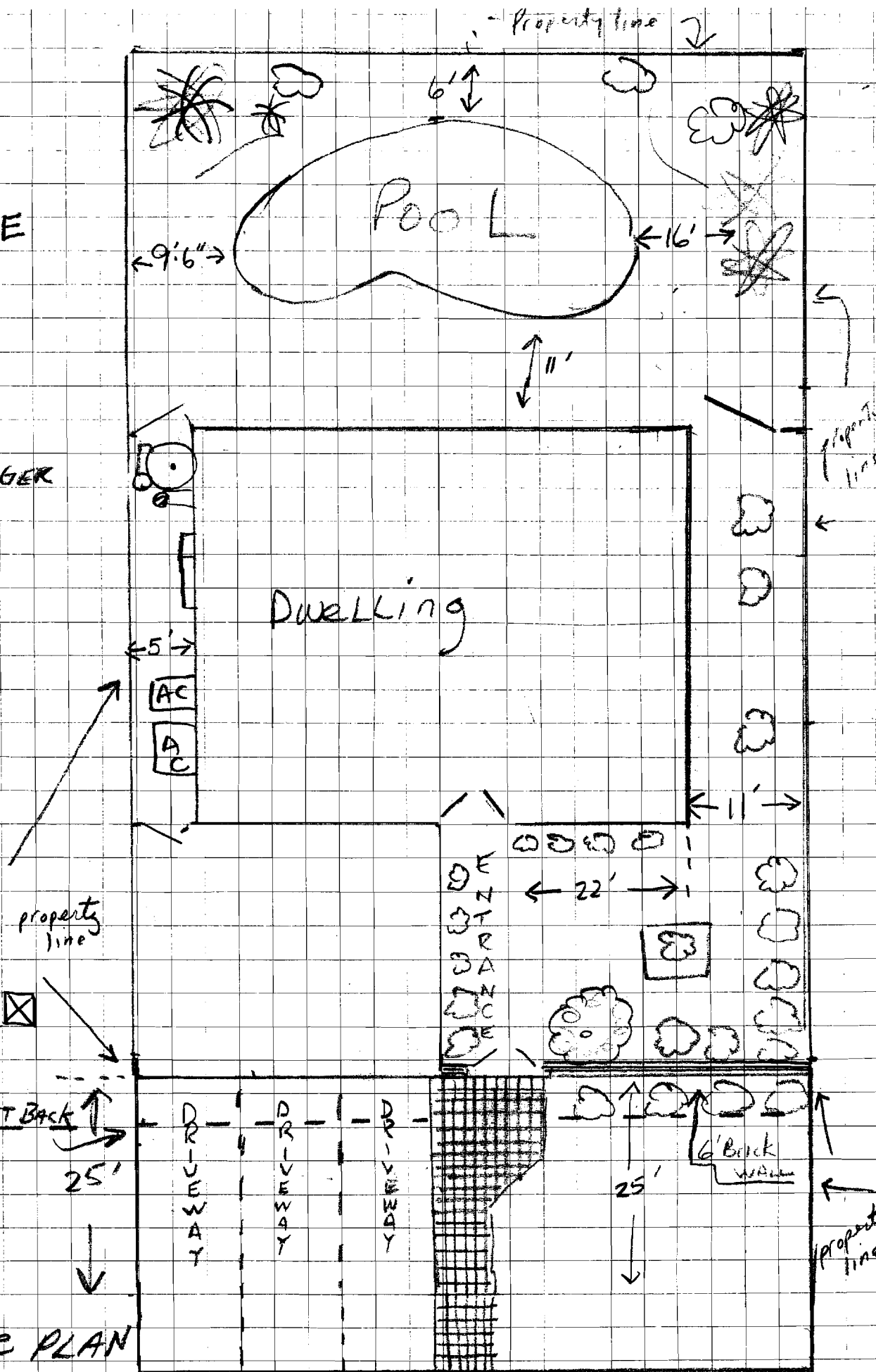
Submitted by:
Project Name: UNGER

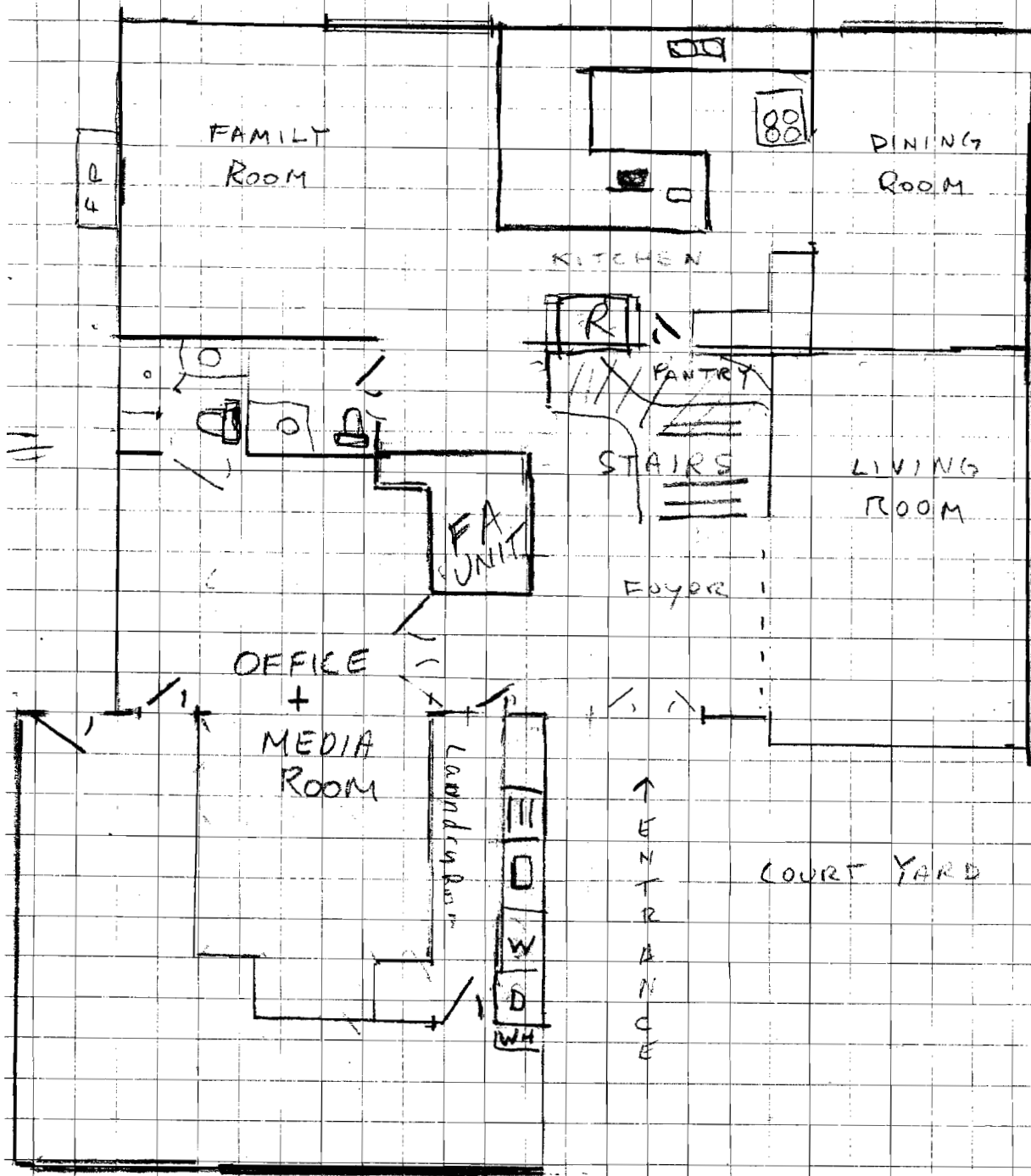
SCALE = 3' PER \square



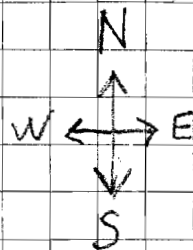
PLOT/SITE PLAN

1412 E. Northshore dr. Tempe



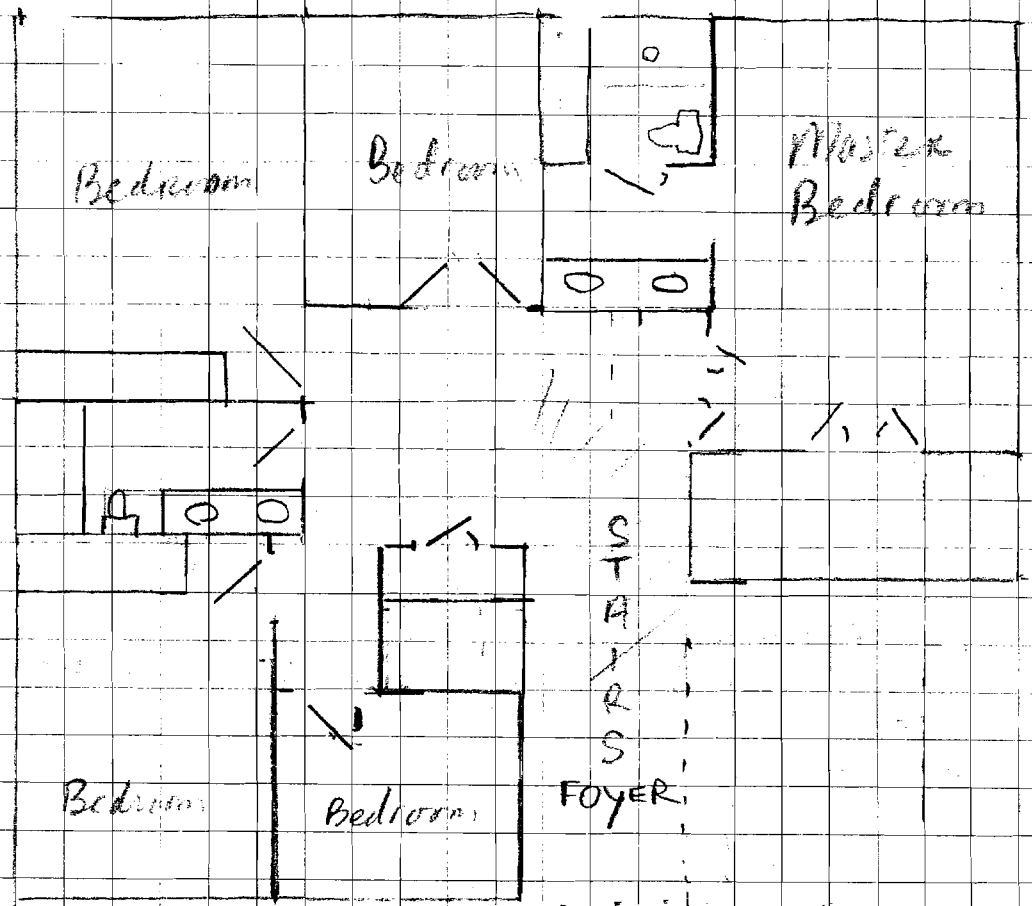


1ST FLOOR
FLOOR PLAN



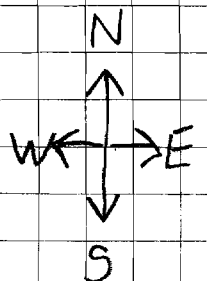
1412 E. Northshore Dr. Temple

SCALE = 2' = \square



2ND FLOOR FLOOR PLAN


SCALE = 2' = \square

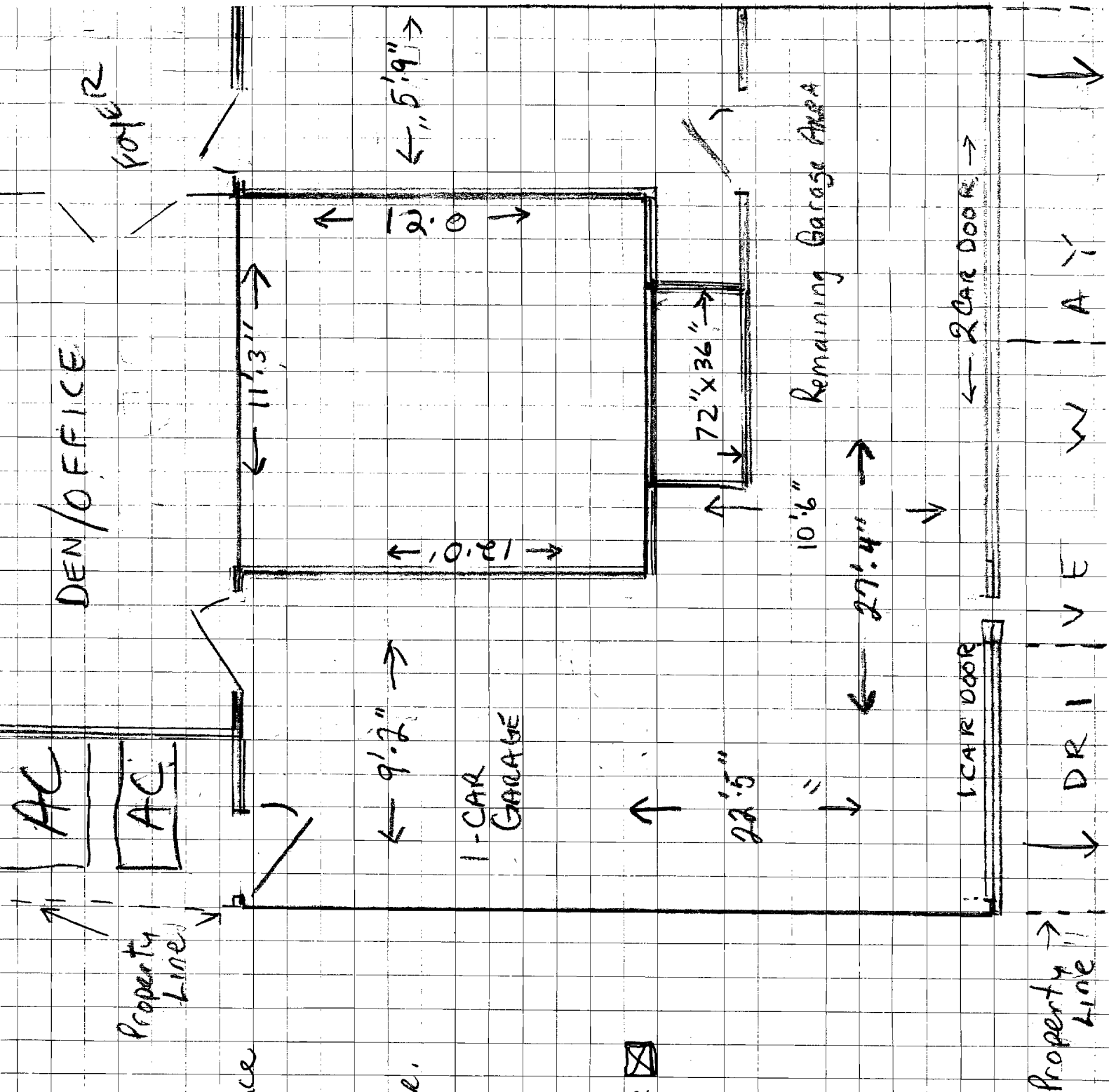
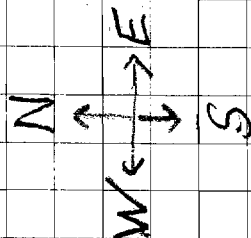


1412 E. Northshore dr. Tempe

UNGER Residence

1412 E. Northshore Dr.

SCALE = 1" = 1/4" OR 





UNGER RESIDENCE

1412 E. NORTHSHORE DRIVE

PL070126

FRONT OF HOUSE: VIEW TO NORTH

The Lakes Community Association, Inc.

Application #

07-576

Architectural Committee Project Authorization. Based on CC&Rs, Article IV, Section 2(E), Article IV (3)(C)(3), Article IV (3)(C)(7), and all Architectural rules. (To be Submitted to LCA Office)

Property address 1412 E. Northshore Lot # E-012 Tel: 480-262-1414Applicant/Owner Name UNTER Signed (Cursive) [Signature]

I/We hereby request approval for the following described project: (please use reverse side for additional space and/or scale plot plan):

I want to park my regular car(s) in the driveway in front of my garage. The city of Tempe says it is easier to get approved by them if you do not object. The city has a 20' set back ^{requirement} from the street. However, the street my garage door is 25' from the street. I need them to approve.

Estimated time to complete the project after approval is obtained: N/A days.

- Failure to complete the project in the approved time requires that you apply for an extension to the Architectural Committee.

For **CONSTRUCTION**, attach a **SCALE** copy of the site & elevation plans. For **LANDSCAPING**, please use back of application for instructions and scale plan of existing and proposed project, specifying the **Type, Quantity, Location, and Size** of plants & trees including all manmade materials. For **PAINT**, indicate the color of trim & house according to "approved paint colors" or provide dealer paint chips. For **ROOFING**, include color and type of materials according to "Approved Roofing" list or provide dealer sample. **ANTENNAE**, use this application plus the Notice of Intent to Install Antennae application. See architectural guidelines for all additional information.

During the authorized project approval period, will you be using a roll-off refuse container?

Yes ☐No ☒

During the authorized project approval period, will you be using a port-a-potty?

Yes ☐No ☒Received in Association office by: Karen CarroliDate RECEIVED MAR 20 2007Committee decision: Date: 3-22-07**FILE COPY**☒ **APPROVED**☐ **APPROVED W/CONDITIONS**☐ **NOT APPROVED**

Remarks: Committee action is only related to the aesthetics or suitability of the proposed project as written in the CC&Rs, Article IV, Section II E. Committee action is in no way an approval of the suitability or structural integrity of the improvement requested, nor does it waive building codes or city approval of construction in the setbacks or easements.

Please provide letter from Tempe when you get it

The project is to be completed by: April 2007

(NOTE: Two committee member signatures required.)

Date: [Signature]Date: 3-22-07Committee Final Inspection Signature: [Signature]

07 MAR 26 PM 5:00

Date: [Signature]

NOTES (If necessary):

RECEIVED**POSTED**BY [Signature] DATE 3/22/07